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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,055	11/21/2000	Ulrich A. Muller	10366-013	2192

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JONES DAY  
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NEW YORK, NY 10017

EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/717,055

Applicant(s)

MULLER ET AL.

Examiner

Lalita M Hamilton

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 15-18 are rejected for the following reasons:

In claims 1, 7, and 15, "value of an asset" lacks antecedent basis.

The remaining claims are rejected for their dependency upon rejected claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Williams (5,999,918).

Williams discloses an interactive statistical data system and corresponding method comprising option creation, viewing on a computer screen connected to a computer a graphical display that shows the values of an asset over time, drawing a zone on the graphical display, wherein said zone is located in an area of the display that corresponds to future potential asset values, and wherein said zone represents a proposed option on the asset, and in response to a displayed win ratio: entering preferred settings for said option (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); preferred settings comprise a desired price to be paid for said option

Art Unit: 3624

(col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); preferred settings comprise a desired payout amount for said option (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); graphical display comprises a time-price curve (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); asset is a currency (col.2, lines 35-42); receiving data representing values of an asset over time, storing said data in a computer-readable medium, transmitting data representing the values of an asset over time to a remotely located computer, receiving from said remotely located computer values representing parameters of a proposed option on the asset, calculating a win ratio for the proposed option, and transmitting said win ratio to said remotely located computer (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); proposed option is a box option (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); parameters of a proposed option comprise a start time, an end time, an upper limit, and a lower limit (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); software for receiving and storing data representing values of an asset over time, software for displaying said values on a computer screen, software for drawing zones on said computer screen, and software for transmitting parameters of said zones (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); software for receiving and displaying a win ratio (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); display an option price (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); software for using a win ratio to calculate and display a payout amount (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)); receiving data representing values of an asset over time, receiving data representing parameters

Art Unit: 3624

if a box option on said asset, computing a probability of the value of the asset hitting the box from the front, computing the probability of the value of the asset hitting the box from the computing the probability of the value of the asset hitting the box from the bottom, computing the probability of the value of the asset hitting the box anywhere, and computing a price for the option by multiplying a modified probability  $p$  times an amount of money to be paid for hitting the box then adding a transaction fee, wherein the modified probability is calculated according to a formula in claim 15 (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)—program has ability to calculate any formula given using any number entered for calculation); the probabilities of the value of the asset hitting the box from the front, top, and bottom are computed using a plurality of volatility scenarios (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)—program has ability to calculate any formula given using any number entered for calculation); the probability of the value of the asset hitting the box from anywhere is computed according to the formula in claim 17 (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)—program has ability to calculate any formula given using any number entered for calculation); and the transaction fee is zero (col.6, line 25 to col.11, line 52 and fig.1 A-N (all) and fig.2 A-C (all)—program has ability to calculate any formula given using any number entered for calculation).

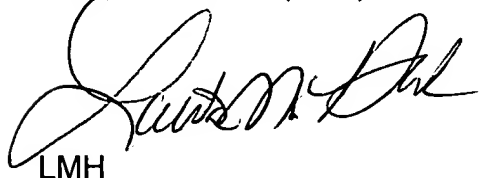
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

Art Unit: 3624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH